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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
DEREK MICHAEL SMITH
Defendant.

No. 20-CR-238-JLT-SKO

**DEFENDANT DEREK SMITHS'
SENTENCING MEMORANDUM**

INTRODUCTION

Defendant Derek Smith has entered guilty pleas to Count One of the Third Superseding Indictment which charged him with violations of 18 U.S.C. § 1962(d) - Conspiracy to Participate in a Racketeering Enterprise and Count Nine which charged him with Conspiracy to Distribute and Possess with Intent to Distribute Methamphetamine and Heroin, pursuant to Rule 11 (c)(1)(C) of the Federal Rules of Criminal Procedure. Dkt. 1098.

We respectfully request that the Court sentence Mr Smith to the 240 month sentence set forth in the plea agreement and recommended by the parties and United States Probation.

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1 **II.**

2 **STATEMENT OF FACTS**

3 We agree with the facts relating to Mr. Smith's conduct as set forth in the Plea
4 Agreement and in the PSR, at pars. 5- 50. We also agree with his criminal history as set forth at
5 PSR at pars. 142-140.

6 A juvenile probation report submitted under seal establishes that he began drinking
7 alcohol and smoking marijuana when was 13 or 14 years old and began using methamphetamine
8 when he was 15 years old. (Exhibit A, under seal) He continued to use and abuse
9 methamphetamine until his arrest in this case.

10 **III.**

11 **DEFENDANT SMITH'S UPBRINGING**

12 Defendant Smith's childhood was extremely "chaotic". His early family life took place
13 in an environment of drug use by his parents and their friends. He was molested by an uncle at
14 an early age. When he was five years old his father deserted the family. Years later defendant
15 Smith asked his mother where his father was living. She took him to a location in Fresno where
16 they found him half asleep in an automobile and obviously under the influence of
17 methamphetamine.

18 His mother moved her children from place in the Fresno area. Defendant Smith attended
19 approximately 10 different schools between kindergarten and high school At some point his
20 mother moved in with a man who used drugs, physically abused her, and on one occasion
21 physically assaulted Derek. (PSR at pars. 131-132 and Exhibit B, under seal) Given the
22 foregoing, it is not surprising that he turned to drugs at an early age.

23 **IV.**

24
25 **THE 20 YEAR SENTENCE AGREED TO BY THE PARTIES AND U.S.**
26 **PROBATION IS CONSISTENT WITH UPPER LEVEL SENTENCES**
IMPOSED ON OTHER DEFENDANTS

27 A review of the PSR regarding sentences imposed on eight other defendants who were
28 involved in transporting and selling drugs for the AB, and committing other crimes related

thereto have received sentences of 59 months to 262 months. (PSR at pars. 2-3)

We respectfully submit that the 240 month sentence agreed to by the parties and U.S. Probation in this case is consistent with the upper sentencing ranges imposed on co-defendants McWilliams, Madsen, and Renshaw.

A. DEFENDANT SMITH AND McWILLIAMS

1. Defendants Williams and Smith's Conduct

Smith and McWilliams were street level "associates" of the AB, as opposed to "associates" who were seeking to become members of the AB. Defendant Smith was a street level "associates" who mainly sold small amount of drugs. Their sentences are mainly driven by their attempted delivery of one pound of methamphetamine and 114 grams of heroin to Salinas Valley State Prison (SVSP).

In September of 2020, a member of AB who was incarcerated at Salinas Valley State Prison (SVSP) authorized a plan to smuggle methamphetamine, heroin and telephones into SVSP . (Dkt. 279)

Defendants Smith and co-defendant McWilliams were recruited to smuggle 5 pounds of methamphetamine, 4 ounces of heroin, and telephones into SVSP.

On September 23, 2020, Defendants SMITH and MCWILIAMS transported one pound of methamphetamine and 114 grams of heroin and cell phones for the purpose of distributing them into Salinas Valley State Prison. (SVSP)

On September 24, 2020 they were only able to deliver a package of cell phones. On September 24, 2020 they were detained during a traffic stop during which the officers discovered the drugs and a handgun. (Plea Agreements McWilliams at Dkt. 363 and Smith at Dkt. 1276; and PSR at pars.24-44.)

2. Defendant McWilliams' Sentence

Defendant McWilliams received a sentence of 180 months. (PSR at p.2) and Plea Agreement Dkt. 363 at p.12) Although we are not privy to McWilliams' PSR, it appears that McWilliams and Smith had the same adjusted offense levels because both were based solely on the September 23- 24 conduct. (Dkts. 363 and 1276; and PSR at pp. 55-73)

B. DEFENDANTS MADSEN AND RENSHAW

1. Distribution of Drugs by Madsen and Renshaw

Between September 24, 2020 and November 9, 2020 defendants Madsen and Renshaw attempted deliver 21 pounds of methamphetamine to location(s) in Montana:

On or about September 24 and September 25, 2020, co-defendants Stephanie Madsen and . . . RENSHAW planned the transport of methamphetamine from the Los Angeles to Montana. RENSHAW traveled to the Los Angeles area, obtained methamphetamine from Madsen, and hid the methamphetamine in the doors of a Dodge Charger.

On September 29, 2020, as RENSHAW drove north from Fresno towards Montana, the Dodge Charger he was driving was stopped near Stockton . . . , and approximately 5.02 pounds of methamphetamine were recovered in the door panels of the vehicle.

On or about October 12, 2020, Madsen and . . . planned a subsequent attempt to get methamphetamine from the Los Angeles area to Montana. Between October 13 and October 14, 2020, Madsen packed methamphetamine, which was picked up by RENSHAW and put into the door panels of a Kia Optima, rented by co-defendant Amanda Gourley in Fresno . . .

On October 15, 2020, RENSHAW and co-defendant Brock Larson were pulled over by the police in Utah and a search of the aforementioned Kia Optima recovered approximately 12 pounds of methamphetamine from inside the door panels of the vehicle.

On or about November 2020, Madsen and an AB member planned to send methamphetamine to Montana with RENSHAW via bus. Madsen provided RENSHAW with a bag containing four pounds of methamphetamine and RENSHAW boarded a bus bound for Montana.

On November 9, 2020, RENSHAW was stopped as he exited a bus in Montana, and four pounds of methamphetamine were recovered from the bag he

1 was carrying. Dkt. 561 at p.2

2 During the course of the investigation, which included a wiretap, Madsen
3 also worked on behalf of the Aryan Brotherhood (AB) by coordinating criminal
4 activities for AB on the streets of Fresno. Madsen was responsible for supplying
5 co-defendants' with narcotics and firearms, and committed fraud and fraudulent
6 activities in order to obtain money for AB members. She also worked with other
7 AB members to send narcotics into various prisons within the state of California
8 to inmates. (Dkt. 561 at pp. 2-3)

9 **2. Sentences Imposed on Madsen and Renshaw**

10 Madsen pled guilty to Count 12 of the Indictment and received a sentence of 150 months.
11 (PSR at p.2); Renshaw pled guilty to Count 12 of the Indictment and was sentenced to 120
12 months. (PSR at p.3)

13
14 **CONCLUSION**

15 Mr. Smith's drug abuse began in his pre-teen years. He continued to abuse
16 methamphetamine until his arrest in this case. His early abuse of methamphetamine and other
17 drugs was the product of a severely dysfunctional early upbringing. We submit that a 20 year
18 prison sentence and a lengthy term of supervised release will provide him with sufficient time to
19 deal with, and overcome, his significant drug and other issues, while at the same time deterring
20 further criminality.

21
22 Respectfully submitted

23 Dated: May 23, 2025

24 /s/ Alan A. Dressler
25 Alan Azer Dressler
26 Attorney for Defendant
27 Derek Smith
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